



ATTORNEY DOCKET NO.: MJ0729  
19400/09003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schade, Deborah A. et al. ) Group Art Unit: 1617  
  )  
Serial No.: 09/381,484                  ) Examiner: Shengjun Wang  
  )  
Filed: February 28, 2000                ) Deposit Account: 50-2548  
  )  
For: Use of Docosahexaenoic Acid     ) Confirmation No.: 4022  
    and Arachidonic Acid Enhancing     )  
    The Growth of Preterm Infants     )

**RESPONSE TO PROVOKE ADVISORY ACTION**

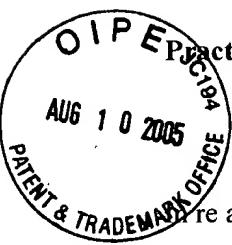
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed on June 8, 2005, please consider the rejection of the claims in light of the following amendments and arguments. It is believed that the present response is being filed within the three-month shortened statutory period for response that was set in the Action. In fact, it is believed that the present response is being filed within two months of the mailing of the Office Action. If any extension of time or additional fees for the accompanying response are required, please charge any fees to Deposit Account 50-2548.

It is respectfully requested that the claims be amended and reconsidered in light of the following arguments and found to be allowable.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Re application of: Deborah A. Schade, Kimberly L. Merkel  
and James W. Hansen

Application No.: 09/381,484

Group No.: 1617

Filed: 02/28/2000

Examiner: Shengjum Wang

For: USE OF DOCOSAHEXAENOIC ACID  
AND ARACHIDONIC ACID ENHANCING  
THE GROWTH OF PRETERM INFANTS

**Mail Stop Amendment**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**RESPONSE TO PROVOKE ADVISORY ACTION TRANSMITTAL**

- Transmitted herewith is a Response to Provoke Advisory Action in response to the Office Action mailed June 8, 2005 for this application.

**STATUS**

- Applicant is other than a small entity.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. § 1.8(a)**  
 with sufficient postage as first class mail.

**37 C.F.R. § 1.10\***  
 as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (**mandatory**)

**TRANSMISSION**

facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

  
\_\_\_\_\_  
Signature \_\_\_\_\_

Date: August 8, 2005

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(j). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

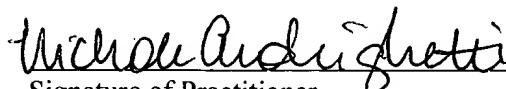
(Col. 1) CLAIMS REMAINING AFTER AMENDMENT	(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA	OTHER THAN A SMALL ENTITY				
TOTAL	7	-	22	=	0	x	\$ 50.00 = \$ 0.00
INDEP.	1	-	3	=	0	x	\$ 200.00 = \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+	\$ 0.00	=	\$ 0.00
						TOTAL ADDIT. FEE	\$ 0.00

No additional fee for claims is required.

## FEE DEFICIENCY

5. If an additional extension and/or fee is required, charge Account No. 50-2548.

If an additional fee for claims is required, charge Account No. 50-2548.



Signature of Practitioner

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U.S.A.

AF 1617  
CPL



Practitioner's Docket No. 19400/09003 (MJ0729)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Deborah A. Schade, Kimberly L. Merkel  
and James W. Hansen

Application No.: 09/381,484

Group No.: 1617

Filed: 02/28/2000

Examiner: Shengjun Wang

Confirmation No.: 4022

For: Use of Docosahexaenoic Acid and Arachidonic Acid Enhancing the Growth of Preterm Infants

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that the attached correspondence, comprising:

1. Response to Provoke Advisory Action Transmittal (2 pages – original and copy)
2. Response to Provoke Advisory Action (8 pages)
3. Return Receipt Postcard,

is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on August 8, 2005.

Mim Voet

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Signature of person mailing paper